

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

TAJI LEE,	)	CIVIL ACTION NO. 4:23-CV-793
Plaintiff	)	
	)	
v.	)	
	)	(ARBUCKLE, M.J.)
B. MASON, <i>et al.</i> ,	)	
Defendants	)	

**ORDER**

In accordance with the accompanying memorandum opinion, it is ORDERED that Named Defendants' motion to dismiss (Doc. 12) is GRANTED in part and DENIED in part as follows:

- (1) Plaintiff's § 1983 claims of access to courts and retaliation against Named Defendants in their official capacity are dismissed with prejudice.
- (2) Plaintiff's § 1983 claims of access to courts and retaliation against Named Defendants in their individual capacity are dismissed without prejudice.
- (3) Plaintiff's negligence claims are permitted to proceed.
- (4) Plaintiff is given leave to file an amended complaint on or before **November 6, 2024**.

Any amended complaint must be titled as an amended complaint, must contain the docket number of this case, and must list the name of each defendant in the caption. It must be complete in all respects; it must be a new pleading which stands by itself as an adequate complaint without reference to the complaint already filed. It should exclude all claims dismissed with prejudice. Any amended complaint will completely replace the original complaint. If an amended complaint is filed, the original complaint will have no role in the future litigation of this case. Any amended complaint must also

comply with the pleading requirements of the Federal Rules of Civil Procedure.

- (5) If no amended complaint is received by the deadline set forth in this order, we will decline to exercise supplemental jurisdiction over the remaining negligence claims and this case will be remanded to the Schuylkill County Court of Common Pleas pursuant to 28 U.S.C. § 1367(c)(3).

Date: September 27, 2024

BY THE COURT

*s/William I. Arbuckle*

William I. Arbuckle

U.S. Magistrate Judge